

REMARKS

The Office Action of September 3, 2008 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1-3, 7, 9-11, 13 and 16-18 remain in the application. Claims 4-6, 8, 12, 14 and 15 are cancelled herein. New claims 19-22 have been added in order to set forth additional specific embodiments that the Applicant regards as his invention. Support for new claims 19-22 may be found throughout Applicant's specification as filed, at least at: page 6, lines 2-4; page 13, lines 2-21; and page 14, lines 2-9, and in the claims as originally filed. Reconsideration of the claims is respectfully requested.

Status of Claims: claims 1, 3, 4, 6, 10, 11 and 16-18 stand rejected under 35 U.S.C. § 102(b); and claims 2, 5, 8, 9, and 12-15 stand rejected under 35 U.S.C. § 103(a).

Claims 1, 3, 4, 6, 10, 11 and 16-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Birch (Car with Eyes and Ears Takes a Look into the Future, Final 1 Edition, The Times, London (UK), December 8, 2001, page 44). The Examiner asserts that Birch discloses all of the elements of independent claims 1, 11 and 17.

Although Applicant does not acquiesce to the Examiner's assertion stated above, in order to expedite prosecution, independent claims 1, 11 and 17 have been amended as follows:

1. A system for providing medical information of a vehicle user, comprising:
a key device having stored therein ***an encryption code associated with the medical information of the vehicle user;***
a transient memory storage located within the vehicle and in communication with the key device, ***the transient memory storage configured to i) receive a transmission of the encryption code from the key device, and ii) temporarily store the encryption code;***
a telematics unit in communication with the transient memory storage device and ***configured to receive a***

transmission of the encryption code from the transient memory storage in response to an emergency event; and
a call center in wireless communication with the telematics unit via a wireless network, ***wherein the call center is configured to i) receive a transmission of the encryption code from the telematics unit in response to the emergency event, and ii) transfer the received encryption code to the emergency personal.*** (Emphasis added.)

11. A method for providing medical information of a vehicle user, the method comprising:

storing ***an encryption code*** in a key device, ***the encryption code associated with the medical information stored in a database;***

transmitting the encryption code from the key device to a vehicle storage unit and temporarily storing the transmitted encryption code in the vehicle storage unit;

transmitting, from the vehicle storage unit to an in-vehicle telematics unit and from the in-vehicle telematics unit to a call center, the temporarily stored encryption code in response to an emergency event;

transmitting the encryption code from the call center to an emergency personnel; and

accessing, via the emergency personnel, the medical information from the database using the encryption code.

(Emphasis added.)

17. A system for providing medical information of a vehicle user, comprising:

key device means for receiving and storing ***an encryption code, the encryption code associated with the medical information of the vehicle user stored in a database;***

vehicle storage means for ***i) receiving a transmission of the encryption code from the key device means, and ii) temporarily storing the encryption code;***

an in-vehicle telematics unit in communication with the vehicle storage means;

means for transmitting i) from the vehicle storage means to the in-vehicle telematics unit, and ii) from the in-vehicle telematics unit to a call center, the temporarily stored encryption code in response to an emergency event; and

means for accessing, via the emergency personnel, the medical information from the database using the encryption code. (Emphasis added.)

Support for the new recitations in amended claims 1, 11 and 17 may be found throughout Applicant's specification as filed, at least at page 15, line 21 through page 18, line 30, in Fig. 4, and in the claims as originally filed.

In sharp contrast, Birch discloses a Volvo® Personal Communicator that communicates with a vehicle to, e.g., unlock vehicle doors, set a seat position to a personal preference, etc. The Personal Communicator also sends information about the driver's health to an on-board telematics system. The telematics system may transmit the medical information to emergency services in the event of an accident. Applicant submits that Birch does **not** disclose or even suggest storing an encryption code on the Personal Communicator, where the encryption code may be transmitted to a call center, during an emergency event, and may ultimately be used to access the driver's health records by emergency personnel.

For the reason(s) stated above, it is submitted that Birch **fails** to establish all of the elements of amended claims 1, 11 and 17. As such, it is further submitted that Applicant's invention as defined in independent claims 1, 11 and 17, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by Birch, either alone or in combination, and patentably defines over the art of record.

Claims 2, 5, 8, 9 and 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Birch in view of Hanson (U.S. Patent Publication No. 2005/0153681). For the reasons stated above, it is submitted that Birch **fails** to teach all of the elements of 1) independent claim 1, from which claims 2, 5, 8 and 9 depend, and 2) independent claim 11, from which claims 12-15 depend. It is further submitted that Hanson **fails** to supply the deficiencies of Birch. More specifically, Hanson discloses an emergency service request capability for a mobile data device (e.g., a PDA), and emergency methods using such a device (see paragraph [0007]). In an example, if the user wishes to summon emergency services using the device,

the user inputs an appropriate code (e.g., 911) into the device. The device may then search an internal database that contains data related to an emergency center nearby and, if one does not exist, the device contacts a centralized database to obtain information of other emergency assistance providers (see paragraphs [0035] – [0036]). Applicant submits that a code, such as 911, that is inputted into the device is **not** the same as an encryption code. As one skilled in the art is generally aware, an encryption code is a message that is encoded so that the message can only be read by a sender of the message and/or an intended recipient (see, e.g., the definition of “encryption” found at <http://dictionary.reference.com/browse/encryption>).

Further, Hanson discloses that the database includes information related to **an emergency center**; and **not** to medical information related to **a user** of the device (as recited in amended independent claims 1 and 11).

Yet further, Hanson discloses that when an appropriate code is input into the device to summon emergency services, a **request** is submitted to the internal database to retrieve the information related to the emergency center. In sharp contrast, amended claims 1 and 11 recite that **the encryption code** is submitted to the call center during an emergency event.

For all of the reasons stated above, it is submitted that Hanson **fails** to supply the deficiencies of Birch, and thus fails to render obvious independent claims 1 and 11. It is further submitted that claims 2, 5, 8, 9 and 12-15 are also not rendered obvious by the combination of Birch and Hanson, at least because of their dependency from one of claims 1 or 11. As such, it is yet further submitted that Applicant’s invention as defined in claims 2, 5, 8, 9 and 12-15 is not anticipated, taught, or rendered obvious by Birch and Hanson, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1-3, 7, 9-11, 13 and 16-18 remain in the application, and new claims 19-22 have been added herein. It is submitted that, through this Amendment, Applicant’s invention as set forth in these claims is now in a condition suitable for allowance.

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Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

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